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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,867	08/30/2000	Suzanne P. Hassell	061607-1390	2151

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EXAMINER
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VU, THONG H

ART UNIT	PAPER NUMBER
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2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

AD

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/650,867	HASSELL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thong H. Vu	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-11, 16, 18, 62-64, 66-77, 79 and 82-112 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-11, 16, 18, 62-64, 66-77, 79, 82-112 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. Claims 3-11,16,18, 62-64,66-77,79,82-112 are pending.

***Response to Arguments***

2. Applicant's arguments with respect to claims 3-11,16,18, 62-64,66-77,79,82-112 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter. The invention provides no practical application that produces a Useful, Concrete, and Tangible result. i.e.: testing or troubles shooting different network devices.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 3-11,16,18, 62-64,66-77,79,82-112 are rejected under 35 U.S.C. 102(e) as being anticipated by Welter et al [Welter 6,633,912 B1].

3. As per claim 63, Welter discloses A computer-implemented method, implemented in a troubleshooting portal device, for providing connectivity between a

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first communication device and a second communication device, the second communication device residing in an access provider communication network [Welter, abstract], the method comprising the steps of:

receiving a specification from the first communication device over a first communication channel, wherein the first communication device is located in a first network operated by a first provider, the specification comprising at least one predefined identifier of the second communication device [Welter, ISP 24, test configuration file, website tester or predefined ID, col 5 lines 12-63];

receiving, from the first communication device, a request to establish connectivity between the first and the second communication device, wherein the second communication device is located in a second network operated by a second provider different than the first provider [Welter, web browser from another computer such as UNIX, col 5 lines 30-45; multiple web sites, Fig 4A,B,C];

identifying a statically configured second communication channel to the second communication device that is associated with the predefined identifier (i.e.: URL) [Welter, add URL transaction monitor with URL link, Fig 4A; edit configuration file, col 8 lines 45-65];

configuring a network device to establish a route between the first communication device and the second communication device using the identified statically configured second communication channel [Welter, link lists, new URL, col 12 lines 48-64];

receiving at least troubleshooting data and a test from the first communication device; and communicating the received troubleshooting data and the test to the second communication device [Welter, transmit and receive information from the test computer, col 2 lines 50-60].

4. As per claim 3, Welter discloses configuring at least one switch such that a plurality of physical links associated with a plurality of data link connection identifiers (DCLIs) are coupled together [Welter, link list menu, Fig 10B].

5. As per claim 4, Welter discloses configuring a digital subscriber loop access multiplexer (DSLAM) connected to a plurality of second communication devices such that said second communication device associated with said specified identifier is connected by said step of establishing connectivity as inherent feature of using cable modem for remote connectivity [Welter, remote testing, col 13 lines 16-36].

6. As per claim 5, Welter discloses configuring the network device to route data over a plurality of physical links associated with said predefined identifier [Welter, link list menu, Fig 10B].

7. As per claim 7, Welter discloses said first communication device is located in a network service provider communication system [Welter, unlimited web pages, col 6 lines 35-38].

8. As per claim 8, Welter discloses said first communication device is located in said access provider communication system [Welter, proxy server, col 7 lines 59-64].

9. As per claim 9, Welter discloses associating a predefined circuit identifier (ID) with said second communication device [Welter, URL, col 7 lines 4-10].

10. As per claim 10, Welter discloses assigning a first internet protocol (IP) address, wherein said first IP address corresponds to said second communication device [Welter, entry the name and address, col 7 lines 26-36].

11. As per claim 11 Welter discloses associating a second IP address with said first IP address [Welter, match content field 128, col 7 lines 26-36].

12. As per claim 16 Welter discloses verifying a right to access and the steps of specifying and establishing are implemented only after the right to access is verified [Welter, verified and tested, col 8 lines 44].

13. As per claim 18 Welter discloses monitoring activity between said first communications device and said second communications device, and further including terminating connectivity after a predefined period of no activity [Welter, monitoring web

sites, Fig 4A,B,C].

14. As per claim 62, Welter discloses assigning the first IP address is performed by the access provider [Welter, TCP/IP connection, col 13 lines 24].

15. As per claim 64, Welter discloses the predefined identifier is an IP address and the predefined communication channel is a VC [Welter, editing page including link list, Fig 10C].

16. As per claim 66, Welter discloses the first provider is a network service provider and the second provider is an access network provider [Welter, Internet and ISP, Fig 2A].

17. As per claim 67, Welter discloses the method is performed by a device located in the second network operated by the access network provider [Welter, multiple web sites, Fig 4A,B,C].

18. As per claim 68, Welter discloses the step of configuring a DSLAM to couple the first communication channel to the second communication channel [Welter, monitoring configuration to hundreds of servers, col 14 lines 9].

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19. As per claim 69, Welter discloses the predefined identifier is a circuit ID, and the circuit ID is associated with an IP address previously assigned to the second communication device [Welter, TCP/IP connection, col 13 lines 24].

20. As per claim 70, Welter discloses at the network service provider, assigning a permanent IP address to the second communication device; and associating the circuit ID with the assigned IP address [Welter, TCP/IP connection, col 13 lines 24].

21. As per claim 71, Welter discloses at a network service provider, assigning a temporary IP address to the second communication device, the IP address selected from a pool of available addresses; and associating the circuit ID with the assigned IP address as inherent feature of TCP/IP connection.

22. As per claim 72, Welter discloses the step of verifying the request before the configuring step [Welter, verify error, col 7 lines 37-47].

As per claim 73, Welter discloses monitoring activity between the first communications device and the second communications device; and terminating connectivity between the first communications device and the second communications device after a predefined period of no activity [Welter, verify error, col 7 lines 37-47].



23. As per claim 74, Welter discloses a portion of the access provider communication network is a frame relay network as inherent feature of Internet.

24. As per claim 75, Welter discloses a portion of the access provider communication network is an asynchronous transfer mode (ATM) network as inherent feature of Internet.

25. As per claim 76, Welter discloses a portion of the access provider communication network is an internet protocol (IP) network [Welter, TCP/IP connection, col 13 lines 24].

26. As per claim 77, Welter discloses a portion of the access provider communication network is a multiprotocol label switching (MPLS) network as inherent feature of Internet.

27. As per claim 87, Welter discloses A computer-implemented method, implemented by a troubleshooting portal, for providing connectivity between a first communication device and a second communication device, the method comprising the steps of:

receiving a specification from the first communication device over a first communication channel, the specification comprising at least one predefined identifier of the second communication device [Welter, ISP 24, test configuration file, website tester or predefined ID, col 5 lines 12-63];

receiving, from the first communication device, a request to establish connectivity between the first and the second communication device [Welter, HTTP request for the URL, col 9 lines 42-49];

identifying a predefined second communication channel to the second communication device that is associated with the predefined identifier [Welter, link list menu, Fig 10D];

instructing a network device to couple the first communication channel to the second communication channel to establish connectivity between the first communication device and the second communication device using the predefined second communication channel, the first communication device located in a first network operated by a first provider, and the second communication device located in a second network operated by a second provider different than the first provider [Welter, multiple web sites, Fig 4A,B,C; the portal may generate reports for the user to help the user make appropriate change, col 14 lines 41-48];

receiving at least troubleshooting data and a test from the first communication device; and communicating the received troubleshooting data and the test to the second communication device [Welter, transmit and receive information from the test computer, col 2 lines 50-60; multitasking system, col 11 lines 66].

28. As per claim 105, Welter discloses A computer-readable medium having a program, implemented by a troubleshooting portal, for providing connectivity between a

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first communication device and a second communication device, the program comprising the steps of:

receiving a specification from the first communication device over a first communication channel, the specification comprising at least one predefined identifier of the second communication device, the first communication device located in a first network operated by a first provider and the second communication device located in a second network operated by a second provider different than the first provider [Welter, ISP 24, test configuration file, website tester or predefined ID, col 5 lines 12-63];

receiving, from the first communication device, a request to establish connectivity between the first and the second communication device [Welter, HTTP request for the URL, col 9 lines 42-49];

identifying a statically configured second communication channel to the second communication device that is associated with the predefined identifier [Welter, link lists, new URL, col 12 lines 48-64];

coupling the first communication channel to the second communication channel to establish connectivity between the first communication device and the second communication device [Welter, Fig 1]; and

receiving at least troubleshooting data and a test from the first communication device; communicating the received troubleshooting data and the test to the second communication device [Welter, transmit and receive information from the test computer, col 2 lines 50-60; multitasking system, col 11 lines 66].

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29. As per claim 112 Welter discloses A computer-implemented method, implemented by a troubleshooting portal, for providing connectivity between a troubleshooting manager device and a managed communication device, the method comprising the steps of:

creating, upon user request, a statically configured predefined first channel between the managed communication device and an access unit within an access provider network [Welter, create a new test configuration file, col 6 line 5];

receiving, over a second channel, an identifier of the managed communication device from the troubleshooting manager device [Welter, monitoring multiple web sites, col 6 line 64];

receiving, from the troubleshooting manager device, a request to establish connectivity between the troubleshooting manager device and the identified managed communication device [Welter, HTTP request for the URL, col 9 lines 42-49];

instructing a network device to couple the statically configured predefined channel to the second channel, producing a third channel [Welter, URL 112, 1114,116, Fig 4A];

receiving at least troubleshooting data and a test from the troubleshooting manager device; and communicating the received troubleshooting data and the test to the managed communication device over the third channel [Welter, transmit and receive information from the test computer, col 2 lines 50-60; multitasking system, col 11 lines 66].

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30. Claims 79,82-86; 88-104 and 106-111 contain the identical limitations set forth in claims 3-11,16,18, 62,64,66-77. Therefore claims 79,82-86; 88-104 and 106-111 are rejected for the same rationale set forth in claims 3-11,16,18, 62,64,66-77.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Lynn Feild*, can be reached at (571) 272-2092. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Thong Vu*  
*Primary Examiner*



THONG VU  
PRIMARY PATENT EXAMINER